IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Civil Action No. 78-1156

TRIAL BY JURY

JOSE ORTIZ RIVERA,

Plaintiff,

vs.

CARLOS CHARDON, individually and as Secretary of Public Education of the Commonwealth of Puerto Rico,

and

OSCAR RAMOS, individually and as Assistant Secretary, in charge of Personnel of Public Education of the Commonwealth of Puerto Rico,

Defendants.

COMPLAINT

TO THE HONORABLE COURT:

NOW COMES the Plaintiff and through his undersigned attorneys very respectfully claims, alleges, and requests as follows:

1. This is a class action for declaratory and injunctive relief, back pay, damages, and other relief arising under the First and Fourteenth Amendments to the United States Constitution; Section 1 of the Civil Rights Act of 1871, 17 Stat. 13, as amended, 42 U.S.C. § 1983; 28 U.S.C. § 2201, 2202; 18 L.P.R.A. § 249(e), and 18 L.P.R.A. 214, *et seq.*

2. The jurisdiction of this Court is founded upon 28 U.S.C. § 1331 and 1343(3) and (4). The amount in controversy exceeds $10,000.00, exclusive of interests and costs.

3. The Plaintiff in this action, which is an action pursuant to Rule 23(a) and 23(b) (1) and (2) of the Federal Rules of Civil Procedures, is Jose Ortiz Rivera, who is a resident of Puerto Rico and an employee of the Department of Public Education of

the Commonwealth of Puerto Rico (referred to hereinafter as "the Department"). Jose Ortiz Rivera brings this action on behalf of himself and the members of the class described in paragraph 20 of this complaint.

4. The Defandants in this action are:

(a) Carlos Chardon, who is, and at all times herein relevant was, the Secretary of Public Education of Puerto Rico. In this capacity, he has ultimate responsibility for the supervision and administration of the Department, including determination of the employment status of the Plaintiff and those in his class. Defendant Chardon is sued in his individual and official capacities.

(b) Oscar Ramos, who is, and at all times herein relevant was, the Assistant Secretary of Public Education in Charge of Personnel of Puerto Rico. In this capacity, he has responsibility for the supervision and administration of personnel matters in the Department, including the determination of the employment status of the plaintiff and those in his class. Defendant Ramos is sued in his individual and official capacities.

5. On November 2, 1976, Puerto Rico held a gubernatorial election. In this election, the candidate of the Popular Democratic Party (referred to hereinafter as the "PDP") was incumbent Governor Rafael Hernandez Colon. Former Governor Hernandez Colon was defeated by Governor Carlos Romero Barcelo, who was the candidate of the New Progressive Party (referred to hereinafter as the "NPP"). Governor Romero Barcelo took office on January 2, 1977.

6. Governor Romero Barcelo appointed Mr. Herman Sulsona as Secretary of Public Education, and Sulsona, in turn, appointed defendant Ramos as Assistant Secretary of Public Education in Charge of Personnel. Both Sulsona and Defendant Ramos assumed their positions on or about January 3, 1977. Both Sulsona and Defendant Ramos are members and active in the affairs of the NPP.

7. On or about March 13, 1977, Mr. Sulsona resigned as Secretary of Public Education, and Governor Romero Barcelo

appointed Defendant Chardon as his successor. Defendant Chardon assumed the position of Secretary of Public Education on or about March 31, 1977. Defendant Chardon is a member and active in the affairs of the NPP.

8. Ortiz Rivera was employed during the 1976-77 school year in a Director position by the Department. To this position he had been promoted on the basis of his merits, from a position in which he did have and enjoy permanent status within the meaning of 18 L.P.R.A. 211 and protected by 18 L.P.R.A. 214, *et seq*. Ortiz Rivera was demoted to his previous position. This last action on the part of Defendants also deprived Ortiz Rivera of his constitutional rights and in particular constituted a violation of his rights under the First and Fourteenth Amendments of the Constitution of the United States. The Director position in which Ortiz Rivera was employed during the 1976-77 school year involved functions of school administration. It was not a policy-making position, and Ortiz Rivera did not participate in the forumlation of policies relating to the operation of the Department. He had to follow policies forumlated at the Department's level.

9. Ortiz Rivera is, and at all times herein relevant was, a member and active in the affairs of the PDP. On information and belief, the defendants are, and at all times herein relevant were, aware of Ortiz Rivera's political association with the PDP, even if they did not know him personally.

10. On or about June 21, 1977, Ortiz Rivera received a letter, dated June 10, 1977, from Julio Cintron Lopez, Director of the Peronnel Division of the Department, removing him from his Director position, effective at the beginning of the 1977-78 school year, and reassigning him to his previous position in the Department. A copy of the aforesaid letter is attached to this complaint as *Attachment A*, and made a part hereof. Ortiz Rivera's permanent position is a classroom teacher position, which is lower in rank and compensation than a Director position, and, therefore, his reassignment constitutes a demotion. On June 30, 1977 Plaintiff wrote a letter to Defendant Chardon, in which he objects his removal from his

position as Director and announces that he is taking the necessary steps towards the corresponding legal action. A copy of such letter is attached to this complaint as *Attachment B*, and made a part hereof.

11. The June 10 letter sets forth no reason for Ortiz Rivera's removal from his Director position, and there was no legitimate reason for such removal. No notice, hearing, nor any other form of due process was awarded in his case.

12. At the beginning of the 1977-78 school year, Ortiz Rivera was actually removed from the Director position in which he was employed during the 1976-77 school year, and demoted to his permanent position in the Department. As of the date of this complaint, he is serving in the latter position.

13. Substantially all of the persons who were employed during the 1976-77 school year without permanent status in locally and/or federally funded positions as Executive Directors, Directors, Assistant Directors, General Supervisors, Zone Supervisors, Superintendents, Assistant Superintendents, and Curriculum Technicians and who were members and/or active in the affairs of the PDP or political parties other than the NPP were removed from their positions at the end of the 1976-77 school year or the beginning of the 1977-78 school year; and substantially all of the persons who were employed during the 1976-77 school year without permanent status in the aforesaid positions and who were not members and/or active in the affairs of the PDP or political parties other than the NPP were not removed.

14. The Director position in which Ortiz Rivera was employed during the 1976-77 school year has been filled for the 1977-78 school year.

15. Ortiz Rivera alleges that the defendants removed him from his Director position at the beginning of the 1977-78 school year and demoted him to his previous position solely because of his political association with the PDP, and that he would not have been removed and demoted but for such association.

16. Ortiz Rivera alleges that the aforesaid action by the Defendants constitutes a violation of his rights under the First and Fourteenth Amendments to the United States Constitution. He also alleges that said action is contrary to and contravenes the rights acquired by him under the provisions of 18 L.P.R.A. 214, *et seq.* He further avers that as a career public servant (empleado publico de carrera) he had the legitimate expectation to remain in the position to which he had been promoted (and from which he was demoted by Defendants) and that he could not be removed or demoted from that position except for cause.

17. The defendants knew, or reasonably should have known, that removing Ortiz Rivera from his Director position and demoting him to his previous position because of his political association with the PDP, was a violation of his rights under the First and Fourteenth Amendments to the United States Constitution. The defendants acted maliciously, willfully, and in wanton and reckless disregard of Ortiz Rivera's constitutional rights when they took the aforesaid action, all in violation of Plaintiff's civil rights as provided in Section 1983, 42 U.S.C.A.

18. The action of the Defendants in removing Ortiz Rivera as stated above constituted a violation of Ortiz Rivera's rights under the First and Fourteenth Amendments to the United States Constitution; constituted a violation of his civil rights as provided in Section 1983, 42 U.S.C.A., and constituted a violation of his rights under the laws of Puerto Rico, specifically (in addition to § 214 mentioned in paragraph 16), under Section 249(a) and (e), of Title 18 L.P.R.A.

Section 249(a) of 18 L.P.R.A. provides as follows:

> "By public school teachers shall be understood, for the purposes of sections 249a-249e of this title, teaching personnel, which includes both the teachers in charge of teaching and special services directly connected with the teaching work, and the officers or employees in technical tasks or in school supervision and administration . . ."

Section 249(e) of 18 L.P.R.A. provides as follows:

> "The school authorities and all other authorities are hereby enjoined from all discrimination or reprisal against a teacher by reason of his affiliation, creed, and political actions; and it is further forbidden that the circumstances mentioned above be taken into consideration in deciding questions such as transfers, work assignments, salary raises, promotions, scholarships, leaves of absence, and any other matters relative to the teacher's professional work or status."

19. Ortiz Rivera invokes the pendent jurisdiction of the Court to hear and decide his claim based upon the above-qouted provisions of Puerto Rico law, and Sections 214, *et seq.* of 18 L.P.R.A.

20. Ortiz Rivera brings this class action on his own behalf and, pursuant to Fed. R. Civ. P. 23(a)(1) and (2), on behalf of all other persons who:

(a) were employed during the 1976-77 school year without permanent status in locally and/or federally funded positions within the Department, pursuant to the definition contained on 249(a) Title 18, L.P.R.A.;

(b) were removed from their positions at the beginning of the 1977-78 school year; and

(c) were members and/or active in the affairs of the PDP or political parties other than the NPP, this being the reason for their removal.

The above-described persons are referred to hereinafter as the Class.

21. The members of the Class reside and work throughout Puerto Rico, and are so numerous, in all probability in excess of one hundred, that it would be impracticable, within the meaning of Fed. R. Civ. P. 23(a)(1), to join all of them in this action.

22. All of the members of the Class, like Ortiz Rivera, were removed from their administrator positions or from the positions enumerated in paragraph 13, solely because of their political association with the PDP or political parties other

than the NPP. Accordingly, there are questions of law or fact common to the Class within the meaning of Fed. R. Civ. P. 23(a)(2).

23. Ortiz Rivera's causes of action are based on the claim that the defendants discriminated against him because of his political association with the PED. then this claim is typical of the claims of the members of the Class within the meaning of Fed. R. Civ. P. 23(a)(3).

24. Since Ortiz Rivera's causes of action and the relief which he seeks necessary would be appropriate for all of the members of the Class, he fairly and adequately will protect the interests of the Class within the meaning of Fed. R. Civ. P. 23(a)(4).

WHEREFORE, the Plaintiff respectfully requests from this Court that it:

1. Declare that the Defendants:

   (a) in removing the Plaintiff and the members of the Class which he represents from the positions in which they were employed during the 1976-77 school year, violated their rights under the First and Fourteenth Amendments to the United States Constitution and under Section 1983 of 42 U.S.C.A.; and also violated their rights under Sections 249(a) and (e) and 214 of Title 18 L.P.R.A.

2. Order that the Defendants:

   (a) reinstate the Plaintiff and the Members of the Class which he represents to the positions in which they were employed during the 1976-77 school year and from which they were dismissed or demoted in violation of their rights under the statutes mentioned in the complaint.

   (b) pay to the Plaintiff and the members of the Class which he represents full back pay for the period from the date of their removal or demotion from the positions in which they were employed during the 1976-77 school year until the date of their

reinstatement to those or other substantially equivalent positions, including prejudgment interests, less any pay received by them from the Department during the period in question.

(c) pay to the Plaintiff and the members of the Class, all damages proximately resulting from defendants' wrongful actions;

(d) pay to the Plaintiff and the members of the Class punitive damages in the amount of $2,500,000.00; and

(e) be enjoined pendente lite and permanently from removing any person from a non-policy making position with the Department because of such person's political association.

3. Award to the Plaintiff and the Class he represents:

(a) costs and reasonable attorneys' fees; and

(b) such other and further relief as this Court shall find to be just and proper.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 16th day of June, 1978.

HIRAM R. CANCIO
HARRY R. NADAL ARCELAY
(CANCIO, NADAL & RIVERA)
G.P.O. Box 4966, San Juan, P.R. 00936

LUIS MIRANDA CORREA
Of. 505 -Edif. Asoc. Maestros, Hato Rey, P.R.

LUIS MUNOZ RIVERA
Cond. El Centro I - Of. 607, Hato Rey, P.R.

LUIS E. GANDIA ARGUELLES
Box 20343, Rio Piedras, P.R. 00928

By: HIRAM R. CANCIO
Hiram R. Cancio

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF EDUCATION
HATO REY, PUERTO RICO
71.2 2-JCL-

(Translation)

Office of the
Secretary of Education

June 10, 1977

Mr. Jose Ortiz Rivera
Through: Regional Director
Arecibo, Puerto Rico

Dear Mr. Ortiz Rivera:

As you know, the appointment to the position you now occupy expires with the termination of the present school year.

While we appreciate your collaboration, it is necessary to remind you that you are correspondingly reinstated to the position in which you have tenure in the system. To this effect our Personnel Division is proceeding to reinstate you to position number 0129 of High School Teacher in the school district of Orocovis effective at the beginning of next school year.

Cordially,

(Signed)
Julio Cintron-Lopez
Director of Personnel Division

CERTIFIED to be a correct
translation prepared by:

/s/
Official Court Interpreter and Translator
United States District Court
for the District of Puerto Rico

June 30, 1977

(Translation)

Hon. Carlos Chardon
Secretary of Education
Department of Education
Hato Rey, Puerto Rico

Dear Mr. Secretary:

I have received a communication from the Department you direct, dated June 10, 1977, signed by Mr. Julio Cintron Lopez, Director of the Personnel Division. I am not in agreement with your decision.

To this effect I have remitted copy of the same to the Puerto Rico Teachers Association so that said organization may instruct its Legal Division to take the necessary action.

Meanwhile, I shall comply with the Order sent by you.

Very attentively,

/s/ JOSE ORTIZ RIVERA
Signature

cc: Mr. Julio Cintron-Lopez
Director of the Personnel Division

Mr. Jose Eligio Velez-Torres
President PRTA

CERTIFIED:
To be a correct translation prepared by:

/s/
Official Court Interpreter and Translator
United States District Court
for the District of Puerto Rico

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Civil Action No. 79-165

TRIAL BY JURY

RAFAEL RIVERA FERNANDEZ,

Plaintiff,

vs.

CARLOS CHARDON, individually and as Secretary of Public Education of the Commonwealth of Puerto Rico,

and

OSCAR RAMOS, individually and as Assistant Secretary, in charge of Personnel of Public Education of the Commonwealth of Puerto Rico,

Defendants.

COMPLAINT

TO THE HONORABLE COURT:

NOW COMES the Plaintiff and through his undersigned attorneys very respectfully claims, alleges, and requests as follows:

1. This is an action for declaratory and injunctive relief, back pay, damages, and other relief arising under the First and Fourteenth Amendments to the United States Constitution; Section 1 of the Civil Rights Act of 1871, 17 Stat. 13, as amended, 42 U.S.C. § 1983; 28 U.S.C. § 2201, 2202; 18 L.P.R.A. § 249(e), and 18 L.P.R.A. 211, and 18 L.P.R.A. 214, *et seq.*

2. The jurisdiction of this Court is founded upon 28 U.S.C. § 1331 and 1343(3) and (4). The amount in controversy exceeds $10,000.00, exclusive of interest and costs.

3. The Plaintiff in this action is a resident of Puerto Rico and an employee of the Department of Public Education of the

Commonwealth of Puerto Rico (referred to hereinafter as "the Department").

4. The Defandants in this action are:

(a) Carlos Chardon, who is, and at all times herein relevant was, the Secretary of Public Education of Puerto Rico. In this capacity, he has ultimate responsibility for the supervision and administration of the Department, including determination of the employment status of the Plaintiff. Defendant Chardon is sued in his individual and official capacities.

(b) Oscar Ramos, who is, and at all times herein relevant was, the Assistant Secretary of Public Education in Charge of Personnel of Puerto Rico. In this capacity, he has responsibility for the supervision and administration of personnel matters in the Department, including the determination of the employment status of the plaintiff. Defendant Ramos is sued in his individual and official capacities.

5. On November 2, 1976, Puerto Rico held a gubernatorial election. In this election, the candidate of the Popular Democratic Party (referred to hereinafter as the "PDP") was incumbent Governor Rafael Hernandez Colon. Former Governor Hernandez Colon was defeated by Governor Carlos Romero Barcelo, who was the candidate of the New Progressive Party (referred to hereinafter as the "NPP"). Governor Romero Barcelo took office on January 2, 1977.

6. Governor Romero Barcelo appointed Mr. Herman Sulsona as Secretary of Public Education, and Sulsona, in turn, appointed defendant Ramos as Assistant Secretary of Public Education in Charge of Personnel. Both Sulsona and Defendant Ramos assumed their positions on or about January 3, 1977. Both Sulsona and Defendant Ramos are members and active in the affairs of the NPP.

7. On or about March 13, 1977, Mr. Sulsona resigned as Secretary of Public Education, and Governor Romero Barcelo appointed Defendant Chardon as his successor. Defendant Chardon assumed the position of Secretary of Public Educa-

tion on or about March 31, 1977. Defendant Chardon is a member and active in the affairs of the NPP.

8. The Plaintiff mentioned in the caption of this complaint was employed by the Department of Education during the 1976-77 school year, without permanent status; in a locally and/or federally funded position as Intermediate School Director IV. He had been promoted to such position, on the basis of his merits, from a lower position in which he did have and enjoy permanent status within the meaning of 18 L.P.R.A. 211 and was protected by 18 L.P.R.A. 214, *et seq.* Plaintiff was demoted to his previous position, such demotion to take effect at the beginning of the 1977-78 school year. This last action on the part of Defendants also deprived Plaintiff of his constitutional rights and, in particular, constituted a violation of his rights under the First and Fourteenth Amendments of the Constitution of the United States. The aforementioned position in which Plaintiff was employed during the 1976-77 school year involved functions of school administration. It was not a policy-making position, and Plaintiff did not participate in the forumlation of policies relating to the operation of the Department. He had to follow policies forumlated at the Department's level.

9. Plaintiff is, and at all times herein relevant was, member and active in the affairs of the PDP or political parties other than the NPP. On information and belief, the defendants are, and at all times herein relevant were, aware of Plaintiff's political association with its party, even if they did not know him personally.

10. On or about June 1977, Plaintiff received a letter, signed by Julio Cintron Lopez, Director of the Peronnel Division of the Department, removing him from his position, effective at the beginning of the 1977-78 school year, and reassigning him to his previous position in the Department. A copy of the aforesaid letter is attached to this complaint as *Attachment A*, and made a part hereof. Plaintiff's permanent position, to which he was assigned as per the corresponding letter, is lower in rank and compensation than the non permanent he held until

then, and, therefore, his reassignment constitutes a demotion. On or about June 1977, Plaintiff wrote a letter to Defendant Chardon, in which he objects his removal from his position and announces that he is taking the necessary steps towards the corresponding legal action. A copy of such letter is attached to this complaint as *Attachment B*, and made a part hereof.

11. The letter received by Plaintiff sets forth no reason for his removal from the non permanent position he held and there was no legitimate reason for such removal. No notice, hearing, nor any other form of due process was awarded to Plaintiff.

12. At the beginning of the 1977-78 school year, Plaintiff was actually removed from the non permanent position in which he was employed during the 1976-77 school year, and demoted to his permanent position in the Department. As of the date of this complaint, he is serving in the latter position.

13. Substantially all of the persons who were employed during the 1976-77 school year without permanent status in locally and/or federally funded positions as Executive Directors, Directors, Assistant Directors, General Supervisors, Zone Supervisors, Superintendents, Assistant Superintendents, and Curriculum Technicians and who were members and/or active in the affairs of the PDP or political parties other than the NPP were removed from their positions at the end of the 1976-77 school year or the beginning of the 1977-78 school year; and substantially all of the persons who were employed during the 1976-77 school year without permanent status in the aforesaid positions and who were not members and/or active in the affairs of the PDP or political parties other than the NPP were not removed.

14. The supervisory position in which Plaintiff was employed during the 1976-77 school year has been filled for the 1977-78 school year.

15. Plaintiff alleges that the defendants removed him from his supervisory position at the beginning of the 1977-78 school year and demoted him to his previous position solely because of his political association with the PDP or parties other than the

NPP, and that he would not have been removed and demoted but for such association.

16. Plaintiff alleges that the aforesaid action by the Defendants constitutes a violation of his rights under the First and Fourteenth Amendments to the United States Constitution. He also alleges that said action is contrary to and contravenes the rights acquired by him under the provisions of 18 L.P.R.A. 214, *et seq.* He further avers that as career public servant (empleado publico de carrera) he had the legitimate expectation to remain in the position to which he had been promoted (and from which he was demoted by Defendants) and that he could not be removed or demoted from that position except for cause.

17. The defendants knew, or reasonably should have known, that removing Plaintiff from his supervisory position and demoting him to his previous position because of his political association with the PDP or parties other than the NPP, was a violation of his rights under the First and Fourteenth Amendments to the United States Constitution. The defendants acted maliciously, willfully, and in wanton and reckless disregard of Plaintiff's constitutional rights when they took the aforesaid action, in violation of Plaintiff's civil rights, as provided in Section 1983, 42 U.S.C.A.

18. The action of the Defendant in removing Plaintiff as stated above constituted a violation of his rights under the First and Fourteenth Amendments to the United States Constitution; constituted a violation of his civil rights as provided in Section 1983, 42 U.S.C.A., and constituted a violation of his rights under the laws of Puerto Rico, specifically (in addition to § 214 mentioned in paragraph 16 under Section 249(a) and (e), of Title 18 L.P.R.A.

WHEREFORE, the Plaintiff respectfully requests from this Court that it:

1. Declare that the Defendants:

   (a) in removing the Plaintiff from the position in which he was employed during the 1976-77 school year,

violated his rights under the First and Fourteenth Amendments to the United States Constitution and under Section 1983 of 42 U.S.C.A.; and also violated his rights under Sections 249 (a) and (e) and 214, *et seq.* of Title 18 L.P.R.A.

2. Order that Defendants:

   (a) reinstate Plaintiff to the position in which he was employed during the 1976-77 school year and from which he was dismissed or demoted in violation of his rights under the statutes mentioned in the complaint.

   (b) pay to Plaintiff full back pay for the period from the date of his removal or demotion from the positions in which he was employed during the 1976-77 school year until the date of his reinstatement to that or other substantially equivalent position, including prejudgment interests, less any pay received by him from the Department during the period in question.

   (c) pay to the Plaintiff all damages approximately resulting from defendants' wrongful actions;

   (d) pay to the Plaintiff punitive damages in the amount of $50,000.00; and

   (e) be enjoined permanently from removing any person from a non-policy making position with the Department because of such person's political association.

3. Award to Plaintiff:

   (a) costs and reasonable attorneys' fees; and

   (b) such other and further relief as this Court shall find to be just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of January, 1979.

HIRAM R. CANCIO
HARRY R. NADAL ARCELAY
ANA MATILDE NIN TORREGROSA
(CANCIO, NADAL & RIVERA)
G.P.O. Box 4966
San Juan, Puerto Rico 00936

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Rio Piedras, Puerto Rico 00928

By: ANA MATILDE NIN TORREGROSA
Ana Matilde Nin Torregrosa

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF EDUCATION
HATO REY, PUERTO RICO

(Translation)

Office of the
Secretary of Education

June 8, 1977

Mr. Rafael Rivera Fernandez
Through: Regional Director
Caguas, Puerto Rico

Dear Mr. Rivera Fernandez:

As you know the appointment to the position you now occupy expires with the termination of the present school year.

While we appreciate your collaboration, it is necessary to remind you that you are correspondingly reinstated to the position in which you have tenure in the system. To this effect our Personnel Division is proceeding to reinstate you to position number 0144 of Elementary Principal in the school district of Naranjito, effective on July 1st, 1977.

Cordially,

(Signed)
Julio Cintron-Lopez
Director of Personnel Division

Note: By reason of the reinstatement of the holder-in-fact.

Note: I received this notification on June 15, at 8:30 A.M.

CERTIFIED:
To be a correct translation prepared by:

Official Court Interpreter and Translator
United States District Court
for the District of Puerto Rico

June 18, 1977

(Translation)

Hon. Carlos Chardon
Secretary of Education
Department of Education
Hato Rey, Puerto Rico

Dear Mr. Secretary:

I have received a communication from the Department you direct, dated June 8, signed by Mr. Julio Cintron Lopez, Director of the Personnel Division. I am not in agreement with your decision.

To this effect I have remitted copy of the same to the Puerto Rico Teachers Association so that said organization may instruct its Legal Division to take the necessary action.

Meanwhile, I shall comply with the Order sent by you.

Very attentively,

/s/ RAFAEL RIVERA FERNANDEZ
Signature

cc: Mr. Julio Cintron Lopez
Director of the Personnel Division

Mr. Jose Eligio Velez-Torres
President PRTA

CERTIFIED:
To be a correct translation prepared by:

/s/
Official Court Interpreter and Translator
United States District Court
for the District of Puerto Rico

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 80-1237*

RAFAEL RIVERA FERNANDEZ,
Plaintiff, Appellant,

v.

CARLOS CHARDON, ETC., ET AL.,
Defendants, Appellees.

ORDER OF COURT

Entered: February 19, 1982

The cases having been remanded to this court for further proceedings, *Chardon* v. *Rivera Fernandez*, ____ U.S. ____, 50 U.S.L.W. 3341 (November 2, 1981), the parties are hereby directed to file briefs limited to the issue of whether the running of the limitation period was tolled, and whether that question should be certified to the Supreme Court of Puerto Rico. Briefs should be filed simultaneously within three weeks.

By the Court,

Clerk.

*This order covers the following additional cases:

No. 80-1238, Angel L. Arzon Mendez v. Carlos Chardon, et al.
No. 80-1245, Ramon A. Vega Cruz v. Carlos Chardon, et al.
No. 80-1247, Laura L. Santos Rou v. Carlos Chardon, et al.
No. 80-1249, Angel Luis Allende v. Carlos Chardon, et al.
No. 80-1254, Evelyn Irizarry Escobar v. Carlos Chardon, et al.
No. 80-1339, Enrique Diaz Maldonado v. Carlos Chardon, et al.
No. 80-1340, Jose D. Nieves Rivera v. Carlos Chardon, et al.
No. 80-1341, Aida L. Sanchez de Negron v. Carlos Chardon, et al.
No. 80-1342, Herminia A. Ortiz Ortiz v. Carlos Chardon, et al.

No. 80-1343, Jose R. Munoz Rivera v. Carlos Chardon, et al.
No. 80-1344, Eduardo Tarafa Gonzalez v. Carlos Chardon, et al.
No. 80-1345, Gladys Rosado Acevedo v. Carlos Chardon, et al.
No. 80-1392, Roberto Velazquez Nieves v. Carlos Chardon, et al.
No. 80-1404, Sara Velazquez Concepcion v. Carlos Chardon, et al.
No. 80-1506, Cecilio Alvarez Plajas v. Carlos Chardon, et al.
No. 80-1507, Enrique Rosado Alverio v. Carlos Chardon, et al.
No. 80-1508, Julia Martinez Vda de Calderon v. Carlos Chardon, et al.
No. 80-1509, Saquia Azize Mawad v. Carlos Chardon, et al.
No. 80-1510, Isaias Torres Sanchez v. Carlos Chardon, et al.
No. 80-1511, Miguel Alvelo Rodriguez v. Carlos Chardon, et al.
No. 80-1512, Irma I. Baldoni de Valencia v. Carlos Chardon, et al.
No. 80-1513, Manuel Rosas Lebron v. Carlos Chardon, et al.
No. 80-1640, Gaspar Rodriguez Rodriguez v. Carlos Chardon, et al.
No. 80-1830, Aida E. Santiago de Orta v. Carlos Chardon, etc., et al.
No. 80-1839, Yolanda Anguita de Rios v. Carlos Chardon, et al.
No. 80-1840, Jose M. Rosado Sanchez v. Carlos Chardon, etc., et al.
No. 80-1844, Wilfredo Cintron Santana v. Carlos Chardon, et al.
No. 80-1848, Ramon A. Perez-Ramirez v. Carlos Chardon, et al.
No. 81-1001, Carmen Roman de Molina v. Carlos Chardon, et al.
No. 81-1002, Blanca Cacho Collazo v. Carlos Chardon, etc., et al.
No. 81-1003, Pahita Guadalupe Garcia v. Carlos Chardon, etc., et al.
No. 81-1004, Aida Lopez de Ferra v. Carlos Chardon, etc., et al.
No. 81-1006, Carlos Cruz Beltran v. Carlos Chardon, etc., et al.
No. 81-1008, Fanny Cacho de Freytes v. Carlos Chardon, etc., et al.
No. 81-1194, Claudio Aviles Navarro v. Carlos Chardon, etc., et al.

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 80-1237*

RAFAEL RIVERA FERNANDEZ,
Plaintiff, Appellant,

v.

CARLOS CHARDON, ETC., ET AL.,
Defendants, Appellees.

JUDGMENT

Entered: June 8, 1982

This cause came on for reconsideration on remand from the Supreme Court of the United States.

Upon consideration whereof, It is now here ordered, adjudged, and decreed as follows: The judgment of the District Court is vacated and the cause is remanded to the District Court with instructions to dismiss.

No costs to any party.

By the Court:

/s/ DANA H. GALLUP
Dana H. Gallup
Clerk.

[cc: Messrs. Nadal Arcelay, Nahmod, Cordova, Mss. Worthy and Eguia Maranda]

*Identical judgments were entered on the same date in the cases of:

Angel L. Arzon Mendez	(80-1238)
Ramon A. Vega Cruz	(80-1245)
Laura L. Santos Roa	(80-1247)

Angel Luis Allende	(80-1249)
Evelyn Irizarry Escobar	(80-1254)
Enrique Diaz Maldonado	(80-1339)
Jose D. Nieves Rivera	(80-1340)
Aida L. Sanchez de Negron	(80-1341)
Herminia A. Ortiz Ortiz	(80-1342)
Jose R. Munoz Rivera	(80-1343)
Eduardo Tarafa Gonzalez	(80-1344)
Gladys Rosado Acevedo	(80-1345)
Roberto Velazquez Nieves	(80-1392)
Sara Velazquez Concepcion	(80-1461)
Cecilio Alvarez Plajas	(80-1506)
Enrique Rosado Alverio	(80-1507)
Julia Martinez Vda de Calderon	(80-1508)
Saquia Azize Mawad	(80-1509)
Isaias Torres Sanchez	(80-1510)
Miguel Alvelo Rodriguez	(80-1511)
Irma I. Baldoni de Valencia	(80-1512)
Manuel Rosas Lebron	(80-1513)
Gaspar Rodriguez Rodriguez	(80-1640)
Aida E. Santiago de Orta	(80-1830)
Yolanda Anguita de Rios	(80-1839)
Jose M. Rosado Sanchez	(80-1840)
Wilfredo Cintron Santana	(80-1844)
Ramon A. Perez-Ramirez	(80-1848)
Carmen Roman de Molina	(81-1001)
Blanca Cacho Collazo	(81-1002)
Pahita Guadalupe Garcia	(81-1003)
Aida Lopez de Ferra	(81-1004)
Carlos Cruz Beltran	(81-1006)
Fanny Cacho de Freytes	(81-1008)
Claudio Aviles Navarro	(81-1194)